

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): B.M. Jakobsson
Case: 31
Serial No.: 09/769,511
Filing Date: January 25, 2001
Group: 3639
Examiner: Freda A. Nelson

Title: Call Originator Access Control Through User-Specified
Pricing Mechanisms in a Communication Network

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection, dated January 31, 2006, in the above-identified application. No amendments are being filed with this request. A Notice of Appeal is submitted concurrently herewith.

REMARKS

The present application was filed on January 25, 2001 with claims 1-19. Claims 1 and 7 were canceled and claims 2-6, 8-11 and 13-19 were amended in previous responses. Claims 2-6 and 8-19 are currently pending in the application. Claims 16-19 are currently the independent claims.

In the final Office Action, claims 2-5, 8-12 and 15-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,568,541 (hereinafter "Greene") in view of U.S. Patent No. 6,240,402 (hereinafter "Lynch-Aird") in further view of U.S. Patent No. 5,958,016 (hereinafter "Chang"). In addition, claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Greene in view of Lynch-Aird in further view of Chang still in further view of U.S. Patent No. 6,595,424 (hereinafter "Harrison"). Finally, claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Greene in view of Lynch-Aird in further view of Chang still in further view of Harrison still in further view of U.S. Patent No. 5,148,474 (hereinafter "Haralambopoulos").

The grounds for the §103(a) rejections in the final Office Action, dated January 31, 2006, are identical to those presented in the prior, non-final Office Action, dated August 11, 2005. Applicants previously traversed these grounds in their Response to Office Action, dated November 11, 2005 (hereinafter "Prior Response"). Applicants continue to respectfully traverse the rejections of claims 2-6 and 8-19 and continue to maintain their arguments already of record.

With respect to the §103(a) rejection of independent claim 16, Applicants respectfully assert that the rejection is defective because: 1) the proposed reference combination does not teach or suggest each and every claimed element; 2) the proposed reference combination teaches away from the claimed elements; and 3) there is insufficient support for a motivation to combine the references as proposed. Each of these points was addressed in the Prior Response. The Examiners are referred to the Prior Response at pp. 3 and 4.

It should be noted that the Examiner responds on p. 5 of the final Office Action to the above-cited arguments by the Applicants by stating generally that "one cannot show nonobviousness by attacking references where the rejections are based on a combination of references." Applicants respectfully assert, however, that they did in fact address the combination of references in the Prior Response. See, for example, the first full paragraph on p. 4.

In addition, the Examiner states on pp. 5 and 6 of the final Office Action:

The examiner asserts that Greene teaches “user-specified access cost information” (“*subscriber’s specified call billing parameters*” and “*the billing system credits a portion of the charges to person called*”), Lynch-Aird teaches “storing for a given user terminal of the system a set of user access cost information” (“*the network may include a data storage area for storage of user information*” and “*an originator identifier indicates that the corresponding customer originated the call and will accept the call charging scheme as determined by the recipient identifier*” and “*a recipient identifier indicates that the corresponding customer received the call and would also determine how the call charges should be allocated*”[{}]).

With respect to the above-quoted language from Greene, Applicants note that Greene refers to “subscriber’s specified call billing parameters” (*emphasis added*) rather than subscriber-specified call billing parameters. Moreover, the Examiner explicitly states on p. 2 of the final Office Action that “Greene does not disclose that the user-specified access cost information includes one or more access rules specified by the user and indicates a particular access cost for an incoming call under one or more specified conditions.” As a result, Greene, like Lynch-Aird, does not teach or suggest “user-specified access cost information” like that claimed in claim 16.

With respect to the above-quoted language from Lynch-Aird, Applicants respectfully submit that this language does not correct the fundamental deficiencies in the proposed reference combination described in the Prior Response at pp. 3 and 4 (e.g., that the proposed reference combination does not teach or suggest that the access cost information be user-specified as claimed).

Independent claims 17-19, like claim 16, each set forth that the access cost information described therein is user-specified. Therefore, Applicants submit that these independent claims are also in condition for allowance for at least the reasons set forth above with respect to claim 16. Moreover, dependent claims 2-6 and 8-15 are also believed to be allowable for at least the same reasons as their base claim, independent claim 16.

In view of the above, Applicants believe that claims 2-6 and 8-19 are in condition for allowance.

A Notice of Appeal is submitted concurrently with these remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Wise".

Date: April 25, 2006

Michael L. Wise
Attorney for Applicant(s)
Reg. No. 55,734
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2722